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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,250	10/15/2003	Robert A. Pangrcic	4640.78701	7623

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EXAMINER	
SANDERSON, JOSEPH W	
ART UNIT	**PAPER NUMBER**
3644	
MAIL DATE	**DELIVERY MODE**
01/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,250	PANGRCIC, ROBERT A.	
	Examiner	Art Unit	
	Joseph W. Sanderson	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7,9-11,13-17 and 20-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7,9-11,13-17 and 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 7, 9, 10, 13-17, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by a coffee mug (or beer stein, tea cup, etc.).

Regarding independent claims 1, 13 and 20:

A coffee mug (or beer stein, tea cup, etc.) is a device capable of catching fish comprising: a handle (to hold in the hand) and a body (to hold the liquid) wherein the body is a tube having a solid side wall, unitary construction, a first end (open side) and an opposing second end (closed side), the first end defining an opening that enables fish that enables a fish to enter the tube and to be removed from the tube, the second end including a fixed end wall (bottom of mug) constructed to prevent the fish from exiting or being removed from the second end of the tube, wherein the handle is non-rotatably connected to the body along an outer surface of the body (to allow a user to hold the mug without spilling its contents).

Regarding claims 3, 4, 7 and 15:

The discussion above regarding claims 1 and 13 is relied upon.

A coffee mug is well known to be made of an opaque plastic material (for example, as seen in http://web.archive.org/web/20020311234433/http://janway.com/plastic-mugs.htm).

Regarding claims 14 and 16:

The discussion above regarding claim 13 is relied upon.

Coffee mugs are well known to be produced using semi-rigid plastic (plastic will naturally deform to some degree when a force is applied; especially used for travel mugs).

Regarding claims 17 and 22:

The discussion above regarding claims 13 and 20 is relied upon.

The body of the mug may be a cylindrical tube (as seen in http:www.com/plastic-mugs.htm).

Regarding claims 9 and 10:

The discussion above regarding claim 1 is relied upon.

A coffee mug may have a handle with non-slip features (e.g. rubberized handle as see in US 2001/0036124 to Rubenstein).

Further, mugs are well known to have generally smooth inner walls forming a longitudinal chamber within the body, the chamber being of sufficient length so that at least a

substantial portion of the fish is in the chamber (smaller fish such as guppies would be entirely contained within).

3. Claims 1, 2, 10, 11, 13, 19, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by a flour sifter.

Regarding independent claims 1, 10, 13 and 20:

A flour sifter (e.g. as seen in http://web.archive.org/web/20020810170824/http://www.fantes.com/sifters_shakers.htm) is a device capable of catching fish comprising:

a handle (to hold in the hand) with a slip resistant surface (black non-metallic surface prevents slipping) and a body (to hold the flour) wherein the body is a tube having a solid side wall, unitary construction, a first end (open side) and an opposing second end (closed side), the first end defining an opening that enables fish that enables a fish to enter the tube and to be removed from the tube, the second end including a fixed end wall (bottom of sifter) constructed to prevent the fish from exiting or being removed from the second end of the tube, wherein the handle is non-rotatably connected to the body along an outer surface of the body (to allow a user to hold the sifter without spilling its contents).

Regarding claims 2, 11, 19 and 21:

The discussion above regarding claims 1, 10, 13 and 20 is relied upon.

The flour sifter has an additional opening in the second end smaller than the opening in the first end that would prevent a fish in the chamber from leaving the chamber.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 7, 9-11, 13-17 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Sanderson whose telephone number is 571-272-0474. The examiner can normally be reached on M-F 7:00 am - 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph W. Sanderson

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

JWS